

Atty. Dkt. No. 041673-2048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Corbeil, et al.
Title: VACCINE BASED ON
ATTENUATED HAEMOPHILUS
SOMNUS
Appl. No.: 09/787,964
Filing Date: 09/25/1999
Examiner: Albert Mark Navarro
Art Unit: 1645

<p>CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p><u>Michelle Simpson</u> (Printed Name)</p> <p><u>Michelle Simpson</u> (Signature)</p> <p><u>October 7, 2003</u> (Date of Deposit)</p>
--

REPLY TO ADVISORY ACTION

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Advisory Office Action dated September 9, 2003, concerning the above-referenced patent application.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

The Examiner has requested a declaration confirming that access to the deposit whose maintenance with the American Type Culture Collection was evidenced by its Deposit Receipt and Viability Statement submitted herein on August 21, 2003 will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 U.S.C. 122 (Budapest Rule 11.1).

Atty. Dkt. No. 041673-2048

A written statement to that effect made by the attorney of record for Applicant confirming that the deposit was made under conditions that all restrictions on the availability to the public of the deposit will be irrevocably removed upon the granting of the patent is submitted herewith. Favorable reconsideration of the application is therefore respectfully requested.

Applicant believes that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 10-7-03By Stacy L Taylor

FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6720
Facsimile: (858) 792-6773

Stacy L. Taylor
Attorney for Applicant
Registration No. 34,842